

April 23, 2026

ALC File: 105708

**Ryan Penney**  
**Delivered by e-mail**

Dear Ryan Penney:

**Re: Reasons for Decision - ALC Application 105708**

Please find attached the Reasons for Decision of the Kootenay Panel for the above noted application (Resolution #335/2026). As the agent, it is your responsibility to notify the applicants accordingly.

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with section 11(2)(b) of the ALR General Regulation.

Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:
  - Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
  - Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision's release, as per ALC Policy P-08: Request for Reconsideration.

Please refer to ALC Information Bulletin 08 – Request for Reconsideration for more information.

Please direct further correspondence with respect to this application to  
ALC.Kootenay@gov.bc.ca

Yours truly,

A handwritten signature in black ink, appearing to read "Ron Wallace". The signature is fluid and cursive, with the first name "Ron" being more prominent than the last name "Wallace".

Ron Wallace, Land Use Planner

Enclosures:   Reasons for Decision (Resolution #335/2026)  
                  Schedule A: Decision Map

105708d1



**Agricultural Land Commission File 105708**

**Reasons for Decision of the Kootenay Panel**

Exclusion Application Submitted Under s.29(1) of the *Agricultural Land Commission Act*

**Applicant:** Regional District of East Kootenay

**Landowners:** Trent Roloff and Maureen Roloff

**Agent:** Ryan Penney

**Property:** Parcel Identifier: 015-807-452  
Legal Description: Lot 6, Block 25, District Lot 132, Kootenay District, Plan 1181  
Civic: 828 Desjardin Road, Baynes Lake, BC  
Area: 3.4 ha (Entirely within the ALR)

**Panel:** Jerry Thibeault, Kootenay Panel Chair  
Danna O'Donnell  
Wayne Harris

**OVERVIEW**

[1] The Property is located within the Agricultural Land Reserve (“ALR”) as defined in section 1 of the *Agricultural Land Commission Act* (“ALCA”).

[2] The Applicant is applying to the Agricultural Land Commission (the “Commission” or “ALC”) under s. 30(1) of the ALCA to exclude the 3.4 ha Property from the ALR (the “Proposal”). The Landowners have requested exclusion from the ALR based on the ALC’s 2017 ALR boundary review, which supported excluding the Property.

[3] The Proposal was considered in the context of the purposes and priorities of the Commission set out in section 6 of the ALCA:

6 (1) The following are the purposes of the commission:

- (a) to preserve the agricultural land reserve;
- (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

(2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:

- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
- (b) the use of the agricultural land reserve for farm use.

## **EVIDENTIARY RECORD**

- [4] The Proposal, along with related documentation from the Applicant, Landowners, and Commission is collectively referred to as the “Application”. All documentation in the Application was disclosed to the Agent in advance of this decision.
  
- [5] On February 17, 2026, a Notice of Exclusion Meeting was provided to the Agent and Regional District of East Kootenay. On February 24, 2026, the Panel conducted a meeting with the Applicant and Agent by virtual meeting (the “Exclusion Meeting”). An exclusion meeting report was prepared and was certified as accurately reflecting the observations and discussions of the Exclusion Meeting by the Agent on March 9, 2026 (the “Exclusion Meeting Report”). A copy of the Exclusion Meeting Report was provided to all members of the Panel in advance of their deliberations.

## **BACKGROUND**

- [6] In 2017, the ALC conducted an ALR Boundary Review of Electoral Area ‘B’, in the area generally described as Jaffray to Grasmere (File 56609). The Property subject to this Application was included as part of the review within the residential area of Baynes Lake. Based on the relatively small

size of the lot and its location within a rural residential area, the Property was proposed for exclusion from the ALR. The landowner consent was needed to exclude the land at that time; however, the owner did not provide consent.

- [7] The Proposal is supported by both the policies of the Baynes Lake OCP and the ALR Boundary Review conducted by the ALC for Electoral Area 'B' in 2017.

### **ANALYSIS AND FINDINGS**

- [8] The Landowners desire to operate a short-term rental use that complies with local regulations and requests the removal of the Property from the ALR.
- [9] The Panel reviewed the Proposal and finds that it is consistent with Resolution #278/2017 that approved exclusion of the Property as part of the Electoral Area B – ALR Boundary Review. As such, the Panel approves exclusion of the Property.

### **DECISION**

- [10] For the reasons given above, the Panel approves the Proposal to exclude the Property from the ALR.

- [11] The Commission will advise the Registrar of Land Titles that the property has been excluded from the ALR.
- [12] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.
- [13] These are the unanimous reasons of the Panel.
- [14] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.
- [15] Resolution #335/2026  
Released on April 23, 2026

A handwritten signature in black ink, appearing to read 'Jerry Thibeault', written in a cursive style.

**Jerry Thibeault, Panel Chair**

On behalf of the Kootenay Panel







ALC FILE NO: 105708  
RESOLUTION NO: 335/2026

MAP PRODUCED:  
April 21, 2026

MAP SCALE:  
1:2,500

DATA SOURCES & NOTES:  
ALC, BCGW and ESRI / Vantor.  
Contains information licensed  
under Open Government License -  
British Columbia.  
Map for reference only. Accuracy  
not guaranteed.

-  Approved Exclusion Area (~3.4 ha)
-  Subject Property
-  Agricultural Land Reserve
-  PMBC Parcel Cadastre

